

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY McIVER, et al.,

Plaintiffs,

No. CIV S-01-1967 KJM

vs.

CALIFORNIA EXPOSITION & FAIR, et al.,

Defendants. _____

/

ISC, INC., et al.,

Plaintiffs,

No. CIV S-04-1790 KJM

vs.

CALIFORNIA EXPOSITION & FAIR, et al.,

Defendants.

ORDER

/

A status conference was held before the undersigned in the above titled actions on August 17, 2005. All counsel appeared telephonically. Tim Thimesch appeared for plaintiffs. Deborah Wordham appeared for defendant State of California. Betty Francisco appeared for defendant Ray Cammack Shows. Jeff Christensen appeared for Cal Expo. Upon review of the consent decrees proposed by the parties and their joint status report, and upon hearing the

1 discussion of counsel, and good cause appearing, IT IS HEREBY ORDERED that:

2 1. Within two weeks from the date of this order, plaintiffs shall file a motion for
3 leave to file a third amended complaint in the McIver action. Said motion shall be accompanied
4 by an explanation of the parties' positions as to the relation back of new causes; the parties'
5 intended disposition of the ISC action in light of the filing of any third amended complaint; and
6 information on the status of the state action and what, if any, judicial decisions have been made
7 therein by the state court.

8 2. If not dismissed by stipulation of the parties, plaintiffs shall file a motion to
9 dismiss plaintiff Welsh in the ISC action within two weeks.

10 3. The stay heretofore entered in the ISC action is hereby lifted.

11 4. Modified proposed consent decrees addressing the issues raised at the status
12 conference shall be submitted within two weeks from the date of this order.

13 5. Notice of settlement of the damages issues in the McIver action shall be filed
14 within two weeks of entry of final consent decrees as to injunctive relief.

15 6. A settlement conference is set for September 26, 2005 at 9:00 a.m. before the
16 Honorable Peter A. Nowinski on the damages issues in the ISC action. The parties are directed
17 to comply with Judge Nowinski's procedures with respect to settlement conferences.

18 7. The scheduling order for the ISC action, if it proceeds, is as follows:
19 a. The parties shall simultaneously disclose experts no later than
20 December 29, 2005.

21 b. Rebuttal experts shall be disclosed no later than January 31, 2006.
22 c. Discovery, including the hearing of discovery motions, shall be
23 completed by February 8, 2006. Discovery motions, if needed, shall be filed in accordance with
24 Local Rule 37-251.

25 d. Dispositive motions, other than discovery motions, shall be noticed to
26 be heard by March 1, 2006.

1 e. The pretrial conference is set for May 3, 2006 at 11:00 a.m. before the
2 undersigned. Pretrial statements shall be filed in accordance with Local Rule 16-281.

3 f. Trial of this matter is set for June 12, 2006 at 10:00 a.m. before the
4 undersigned. The parties shall file trial briefs in accordance with Local Rule 16-285.

5 8. If, after entry of the consent decrees as to injunctive relief and resolution of
6 damages claims, the parties wish to request a settlement conference on attorneys' fees, the parties
7 are directed to so notify the court and a settlement conference before another magistrate judge
8 will be set at that time. To the extent attorneys' fees are not settled, any motions for attorneys'
9 fees shall be brought as provided for in the consent decrees to be entered, or if no consent decrees
10 are entered as provided for by the applicable federal and local rules.

11 DATED: August 19, 2005.

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14 UNITED STATES MAGISTRATE JUDGE
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